

The Honorable John C. Coughenour

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff

v.

ALEKSANDR PAVLOVSKIY,

Defendant

No. CR19-211J-CC

DEFENSE SENTENCING
MEMORANDUM

Defendant, Alexander Pavlovskiy, is 46 years of age. He is married and has five children. Mr. Pavlovskiy was born in Ukraine and his childhood is marked by trauma, loss, and depravation. Mr. Pavlovskiy immigrated to the United States in 2000 and two of his children were born in this country. He comes before this Court for sentencing upon pleading guilty to one count of possessing child pornography and one count of trafficking in stolen property.

Introduction.

Mr. Pavlovskiy's sentence should be limited to probation and home monitoring. The reasons for this departure from the sentencing guidelines are explained below. Probation and monitoring would be a deviation from the recommendations of the Federal Probation Department, and the court will understand why the request is made as it reads on. Herein the

1 Defense also addresses the Government's memorandum that advocates a deviation above
 2 what is recommended based on what it alleges is Mr. Pavlovskiy's failure to take responsibility
 3 and his purported lack of appreciation for the seriousness of the crimes. Neither assertion by
 the Government is true.

4 Mr. Pavlovskiy has no prior criminal history and was a productive member of society who
 5 created jobs for others. He was evaluated and determined to present little risk of physical harm
 6 to anyone, and he is determined to be at low risk for re-offending. Given these
 7 circumstances, a sentence of probation with a period of home detention would be "sufficient,
 8 but not greater than necessary," to comply with the goals of sentencing set forth in 18
 U.S.C. § 3553(a)(2).

9 **Defendant's History and Character.**

10 **Early Years.** Mr. Pavlovskiy's childhood is fraught with trauma and abuse,
 11 including sex abuse, that have served to form the person he is today. Thankfully, Mr.
 12 Pavlovskiy is on the road to recovery and is working on repairing the psychological damage
 13 that he suffered as a child. Mr. Pavlovskiy is the oldest of three children. His mother was a
 14 caring parent, but she died of cancer when Mr. Pavlovskiy was seven. Prior to her death,
 15 Mr. Pavlovskiy assumed the role of nurse for his mother by washing and dressing her
 16 wounds and measuring her medication. Her death changed his life permanently. Mr.
 Pavlovskiy's father was an abusive alcoholic who punched and kicked his son for no reason.
 After his mother died, Mr. Pavlovskiy suffered an increase in the physical assaults from his
 father, including a vicious kick to his back that caused him to urinate blood.

17 There was a short reprieve from the abuse when a maternal aunt took Mr. Pavlovskiy
 18 and his two sisters into her home with her own children. But the aunt could not afford
 19 them for long and relinquished them to the government where they were placed in
 20 orphanages and group homes. These state-run programs imposed a new wave of abuse on
 21 Mr. Pavlovskiy. Ukraine's state-funded institutions are notorious for their corruption and

neglect of unfortunate children. **Exhibit A** is a 2019 article that shines a disturbing light on practices and management of Ukraine group homes.¹ Mr. Pavlovskiy was hit with a pole or ruler for minor misconduct. The children never had enough food—Mr. Pavlovskiy did not use the bathroom for days because of insufficient food.

Compounding the lack of food and constant abuse, Mr. Pavlovskiy witnessed his friend's mother being hit by a train as she tried to get across the tracks to bring her son home. This event played in Mr. Pavlovskiy's head and nightmares. Not doing homework at the orphanage was a reason to get struck by a ruler or rod. Prior to entering the orphanage, Mr. Pavlovskiy was sexually abused by a family member that he trusted.

Marriage and Move to United States. In his late teens, Mr. Pavlovskiy had finished high school and had obtained an associate degree. He started going to church where he met his wife, Nadezhda. She was older and therefore he found her mature and easy to talk to. They quickly got married and started their family. His wife's parents had claimed asylum in the United States some years prior and settled in Kent, Washington. In 2000, they sponsored Mr. Pavlovskiy's family. When the Pavlovskiy's arrived in Kent, they lived with his wife's parents at first and started a series of difficult jobs. Eventually they moved into their own house and their financial situation improved. They connected with the church, the children were enrolled in school, and they assimilated quickly through determination and reliance on their faith.

In the United States, Mr. Pavlovskiy worked as a janitor, and he was very good at fixing cars and most electronics. He repaired discarded tools and resold them at flea markets and he was amazed that he could make a profit. In 2012, he opened a thrift store to sell items that he repaired. His business expanded to include other used items for resale. The business flourished, expanded, and employees were hired, but Mr. Pavlovskiy failed to use good judgment when buying and selling items—particularly items that he knew were

¹ <https://112.international/article/tortures-neglect-exploitation-no-toilets-horrors-of-ukrainian-boarding-schools-36656.html>

1 likely stolen. Suspect items were purchased by Mr. Pavlovskiy and sold anyway. Also, Mr.
2 Pavlovskiy embarked on the reprehensible act of possessing child pornography.

3 **The Crimes: Count Two.** As his business grew, Mr. Pavlovskiy started having
4 back pain and was diagnosed with low testosterone. He tried to medicate with alcohol and
5 prescription medication. Quickly, he started abusing alcohol. Alcohol abuse and his
6 testosterone malady likely impaired his judgment because he became even more reckless in
7 his business practices.

8 Mr. Pavlovskiy takes full responsibility for his actions in trafficking stolen goods in
9 interstate commerce. Although he went through the motions of implementing guidelines to
10 protect against receiving stolen property, he did this to convince himself that he was doing
11 the right thing while knowing that what he did was the opposite of the right thing. He
12 either accepted stolen goods himself or turned a blind eye when his employees accepted
13 what were clearly stolen goods. He acknowledges and accepts that he was motivated by the
14 money and did not wish to curtail the ill-gained riches that flowed because of his crimes. He
15 pleaded guilty to Count Two because he knows that he was wrong and he wanted to limit
16 his exposure for possessing child pornography which, he understands, cannot be explained
17 away. He does not always understand what this justice system requires of defendants by
18 way of contrition, and he does confuse mitigating circumstances with excuses, but he does
19 know that excuses are not what sentencing is about. He is fully remorseful and takes full
20 responsibility.

21 **The Crimes: Count One.** Mr. Pavlovskiy is haunted by the sexual abuse he
endured as a child which may have contributed to his inexcusable foray into peer-to-peer
child pornography. A few images spiraled into many thousands of images of children being
raped and exploited. Mr. Pavlovskiy knew what he was doing was wrong and he hardly
covered his tracks, but he was shocked when his crime came to light. At that time, Mr.
Pavlovskiy had no concept of the harshness with which his actions would be viewed having
himself been sexually exploited as a child. Suffering sex abuse as a child had, to some

1 degree, desensitized Mr. Pavlovskiy to the harm that is caused to children who are victims
 2 of the child porn trade. The Court can rest assured, however, that Mr. Pavlovskiy is no
 3 longer of that mindset and wishes every single day that he could go back and do things
 4 differently. He begs this court to know that he is sorry and not just because he was caught.
 5 Mr. Pavlovskiy now knows that he will need to be vigilant for the rest of his life and remain
 6 in therapy to make sure this does not happen again. He now understands that there are
 7 living and breathing victims of the child porn trade that will forever be scarred. He knows
 also that sometimes children do not survive an encounter with child porn and his actions
 have contributed to those statistics.

8 **Acts Related to Video Recordings.** Mr. Pavlovskiy was not charged with anything
 9 involving placing a video camera in bathrooms. The Government's highlighting of these
 10 allegations as if they are fact is misleading and unwarranted. Mr. Pavlovskiy acknowledges
 11 that he possessed child porn, but he would not directly harm a child. He loves his own
 12 children and is considered a nurturing and gentle man and father. He hardly understands
 13 why he placed a recording device in bathrooms, and he knows that this looks very bad, but
 14 he did not do this to fulfill a perverse appetite. He understands that his actions need to be
 15 addressed in therapy but should not form the basis for increased jail time. Mr. Pavlovskiy
 16 was found to not present a danger to his children after the Washington State Child
 17 Protective Services (CPS) investigated the matter. The CPS unfounded letter is at **Exhibit**
 18 **B.** Once Mr. Pavlovskiy was arrested, CPS inexplicably issued another letter involving the
 19 same facts but now the letter is "founded". Mr. Pavlovskiy challenged the finding and
 20 lodged a formal appeal. **Exhibit C.** To this day, CPS has not responded to Mr.
 21 Pavlovskiy's appeal.

Placing a video camera in certain places does not point to causing physical harm to
 others, but it was an invasion of privacy and could indicate prurient and unhealthy interests.
 Anything is possible, and Mr. Pavlovskiy's actions may indicate that he was headed for
 increased trouble, but no such trouble materialized, and the Government offers no expert

1 opinion on what the cameras meant. Therefore, the Court should place the allegations in
2 their proper context. Mr. Pavlovskiy is already denied contact with all his children, and a
3 continuation of the current home detention situation makes the most sense. Mr.
4 Pavlovskiy's family will be no less safe with Mr. Pavlovskiy behind bars. If allowed on
5 probation, Mr. Pavlovskiy can continue to work on the concerns that are already raised and
6 any new mandates that may issue at sentencing. Non-productive confinement is not the
way forward; and confinement will derail the significant progress that Mr. Pavlovskiy has
made to limit the possibility of repeating his pre-arrest conduct.

7 Mr. Pavlovskiy is, every day, coming closer to a place where he will have his past
8 well-managed and he will pose no risk. Since he cannot turn back time, all he can do is
9 learn from what happened and, each day, show that he is deserving of a chance to do better.
10 The justice system forced Mr. Pavlovskiy to take stock of what he did, and he knows that
11 there is nothing to be done now but to submit to this Court's judgment which he hopes will
12 be one that allows him to continue his progress in treatment. Mr. Pavlovskiy offers no
excuse for what he did, and he is deeply ashamed and sorry for the harm he cause.

13 **Pavlovskiy's Family Financial Hardship.** Mr. Pavlovskiy's marriage was in
14 serious trouble when he got arrested. He had already moved into an apartment. He was
15 not supporting his wife emotionally because he became occupied with his own questionable
16 needs and deeds. Today, Ms. Pavlovskaya wishes her husband were back in the family
17 home. She has faith that he is better and will continue to get better. She struggles each day
but is grateful for the small amount that her husband contributes to the family. It will take
some time for her to forgive her husband fully, but she is a woman of faith.

18 After the arrest, Ms. Pavlovskaya quickly ran out of resources and started working a
19 job as an in-home health aid. Her older children also started working to help with expenses.
20 In 2017, Ms. Pavlovskaya filed for bankruptcy so that she could keep their home. (**Exhibit**
21 **D** bankruptcy paperwork.) Mr. Pavlovskiy's financial information is provided to the Court
at **Exhibit E**.

1 **Medical Condition of Defendant.** Mr. Pavlovskiy has suffered a variety of medical
 2 conditions over the years, and he has been treated for Hypertension, Hyperlipidemia, and
 3 low testosterone (**Exhibit F. Valley Medical Center Summary at page 50**). In addition,
 4 Mr. Pavlovskiy tests positive for exposure to tuberculosis which is managed since his last
 5 checkup. He suffered a motor vehicle accident in 2004 which caused headaches, chest pain,
 6 shortness of breath, abdominal pain, and neck pain. Complications from the accident never
 7 went away and is partially why he tried to self-medicate with alcohol.

8 **Psychosexual Evaluation.** Loreli Thompson, a Lacey, Washington licensed
 9 psychologist conducted a psychosexual evaluation and risk assessment of Mr. Pavlovskiy in
 10 September 2020. Dr. Thompson's evaluation is at **Exhibit G** and her curriculum vitae is at
 11 **Exhibit H**.

12 Dr. Thompson maintains her practice in Thurston County but has evaluated
 13 defendants across this state. She is in a solo practice and notably has a law enforcement
 14 background and an understanding of how former Soviet bloc countries struggles with the
 15 same sex exploitation issues that marred Mr. Pavlovskiy's childhood. She is studied in the
 16 prevalence of child sexual abuse, and she found Mr. Pavlovskiy struggled with minimization
 17 and accountability but, below, she recommends how this can be addressed in a non-punitive
 18 environment.

19 Dr. Thompson spent several days with Mr. Pavlovskiy and gave him a battery of tests
 20 commonly employed in her industry. She assessed Mr. Pavlovskiy for psychopathy and
 21 studied the results of tests commonly employed to identify sexually deviant character traits.
 She concluded that Mr. Pavlovskiy "has a low risk of re-offense for serious crimes."
Exhibit G, page 5; and his "...testing did not indicate any significant issues." **Exhibit G,**
page 6. Dr. Thompson concluded that Mr. Pavlovskiy will not benefit from a punitive or
 controlling environment and he will not do well with negative reinforcement that he will
 encounter in prison. She concluded:

Mr. Pavlovskiy was assessed to determine his risk of re-offense for sexual crimes and to identify any treatment needs, based upon his charge of being in possession of significant amounts of child pornography depictions. He is a Low risk to reoffend based on what is known about this type of offender and recidivism. **Exhibit G, page 8.**

A sexual history polygraph was conducted as part of the evaluation by Ms. Beverly Reinhold. At **Exhibit G, page 4**, the polygraphy is summarized as follows:

On August 20, 2021, Mr. Pavlovskiy was administered a sexual history polygraph by Ms. Beverly Reinhold, examiner. He was deemed, "Not attempting deception" in his answer of "No" to the following questions:

- Have you had any sexual contact with a minor that you haven't told me about?
- Are you withholding information about sexual contact with a minor?
- Have you had any illegal sexual contact you haven't told me about?

Custodial Suicide Attempt and Location Monitoring. On August 21, 2019, while in custody, Mr. Pavlovskiy tried to take his own life by cutting deeply into his forearms with a razorblade. **Exhibit I**, Bureau of Prisons Medical Records. There is nothing to suggest he will not do the same if he is sent back to prison. Mr. Pavlovskiy's situation screams rehabilitation and therapy not incarceration. If he is taken back into custody, Mr. Pavlovskiy is at great risk of ending his own life, thereby devastating his entire family that has suffered greatly already.

Mr. Pavlovskiy was released on bond on July 22, 2020. The Location Monitoring Department recently recommended that Mr. Pavlovskiy's conditions be relaxed because of his exceptional compliance and cooperation with the conditions of release. Order Modifying Appearance Bond is at **Exhibit J**. The Defense begs this court to allow Mr.

1 Pavlovskiy to continue to make progress by remaining with the Location Monitoring
 2 Program. This program has seen Mr. Pavlovskiy work longer and harder than any other
 3 participant. His responsibilities are increased because he serves to guide and mentor new
 4 members of the program.

5 People who know Mr. Pavlovskiy can vouch that he has always treated every person
 6 respectfully and appropriately. He has many letters of support from House of Mercy, Defy
 7 Ventures, and those who monitor, counsel, and instruct Mr. Pavlovskiy on achieving a
 8 better understanding of how he came to be where he is and what must happen for him to
 9 rehabilitate.² Letters are at **Exhibit K**.

10 **Calculated Guideline Range.** In determining the type of sentence to impose, the
 11 sentencing judge should consider the nature and seriousness of the conduct, the statutory
 12 purposes of sentencing, and the pertinent offender characteristics. A sentence is within the
 13 guidelines if it complies with each applicable section of this chapter. The court should impose
 14 a sentence sufficient, but not greater than necessary, to comply with the statutory purposes of
 15 sentencing. 18 U.S.C. § 3553(a).

16 The Government's recommendations do not reflect the facts and its recommendations
 17 rely heavily on allegations that were never charged and documents that are not relevant. The
 18 Government's emphasis on allegations that were unfounded by Child Protective Services is a
 19 red herring designed to prejudice the Court against Mr. Pavlovskiy. Further, the Government
 20 is far afield of the guidelines and does not provide adequate justification for its deviation. Also,
 21 the Government's position that Mr. Pavlovskiy does not accept responsibility for his conduct
 is simply not true. Mr. Pavlovskiy has accepted responsibility for his conduct associated with
 the child pornography charge (Count One), and the trafficking charge (Count Two).

As explained above, Mr. Pavlovskiy understands that his conduct related to child

² The letters are from: Jordan Montgomery, Aleksandr Kholodyuk, Anatoliy Arkhipchup, Bob Faulk, David Shirley x 2, Michael Lovrick x2, Igor Sorochnik, Julian Franco, Ludmila Yanishak, Nina Lukomskaya, and Timothy Hill.

1 pornography is reprehensible. The Government is saying that Mr. Pavlovskiy should be
 2 responsible for his inability to articulate what he truly means. English is Mr. Pavlovskiy's
 3 second language, and he does not understand how the US justice system requires strict and
 4 unwavering language of responsibility and remorse. Mr. Pavlovskiy may struggle with
 articulating his position, but his manner of speaking should not be held against him.

5 Mr. Pavlovskiy's history is traumatic, but he still conducts himself with respect and
 6 kindness to others. His perspective is different, but it is not a perspective that lacks the
 7 ability to acknowledge and own the wrongfulness of what he did. If his words tend to
 8 minimize or excuse, it is because he is desperate for the Court and the Government to
 9 understand the full picture and not see him as a bad person. He is counseled that his
 10 compulsion to explain is not helpful at sentencing, but he remains convinced that
 explanation should be a good thing. This aspect of Mr. Pavlovskiy's psyche was addressed
 in his psychosexual evaluation, where Dr. Thompson observed:

11 ... (Mr. Pavlovskiy) is repressing negative thoughts and trying to be
 12 optimistic. He tends to deny or not want to discuss personal
 13 problems. He tends to conform to those he perceives to be in power
 14 in order to avoid problems. When things are going well, he tends to
 15 be cooperative and agreeable. He may not be aware of how his
 behavior impacts others, which should be addressed in therapy. He
 will do best with a treatment provider who is not punitive or
 controlling and who acknowledges successes. He has a low risk of
 re-offense for serious crimes.

16 The Government either cannot or will not allow Mr. Pavlovskiy's history in treatment
 17 and evaluation to be taken for the indicators of success that they are. Mr. Pavlovskiy deserves
 18 to be punished but he also deserves a chance to show that he is the least likely to repeat
 19 criminal activity. He has had a front row seat to the destruction he caused his victims, his
 20 family, and himself. He had the American Dream and could have had extreme financial
 21 success if he had not trampled it. Mr. Pavlovskiy wishes the court to know that these are not
 idle promises to avoid punishment. Being branded a "sexual predator" means he must

1 always conduct himself in a way that he cannot forget what he did. The bottom line is that
 2 Mr. Pavlovskiy does accept responsibility and he will continue to do so. He needs monitoring
 and therapy so that his sentencing means something.

3 Authority and Additional Argument.

4 Articulated in 18 U.S.C. § 3553(a), the court should impose a sentence that is sufficient,
 5 but not greater than necessary, to comply with the purposes of sentencing. The reasons
 articulated above, show that if Mr. Pavlovskiy has a problem, it is not with posing a danger to
 6 people on the street.

7 *18 U.S.C. § 3553(a)*

8 Beyond what may be permissible under the Guidelines, “the history and characteristics
 9 of the defendant,” 18 U.S.C. § 3553(a), and the other factors set forth in 18 U.S.C. §
 3553(a)(2) support a sentence of probation with a period of home detention. In United States
 10 v. Hunt, 459 F.3d 1180, 1182 (11th Cir. 2006), the court summarized the factors that must be
 11 considered:

- 12 (1) the nature and circumstances of the offense and the history and
 characteristics of the defendant;
- 13 (2) the need for the sentence imposed--
- 14 (A) to reflect the seriousness of the offense, to promote respect for the law,
 and to provide just punishment for the offense;
- 15 (B) to afford adequate deterrence to criminal conduct;
- 16 (C) to protect the public from further crimes of the defendant; and
- (D) to provide the defendant with needed educational or vocational training,
 medical care, or other correctional treatment in the most effective manner;
- 17 (3) the kinds of sentences available;
- (4) the kinds of sentence and the sentencing range established . . . ;
- 18 (5) any pertinent [Sentencing Commission] policy statement . . . ;
- (6) the need to avoid unwarranted sentence disparities among defendants with
 similar records who have been found guilty of similar conduct; and
- 19 (7) the need to provide restitution to any victims of the offense.

20 There has been a continuing debate among the courts as to how much weight should
 21 be given to one of the listed factors, the Sentencing Guidelines. 459 F.3d at 1183-1184. The

1 decision in U.S. v. Hunt, 459 F.3d 1180 (11th Cir. 2006), resolves some of the debate. In
 2 the decision, the court rejected “any across-the-board prescription regarding the appropriate
 3 deferenceto give the guidelines.” 459 F.3d at 1184. Rather, a “district court may determine, on
 4 a case-by-casebasis, the weight to give the Guidelines, so long as that determination is made
 5 with reference to theremaining section 3553(a) factors that the court must also consider in
 6 calculating the defendant’s sentence.” 459 F.3d at 1185. Thus, as recognized by Judge
 Tjoflat in United States v. Glover, 431 F.3d 744, 752-753 (11th Cir. 2005), in some cases the
 Guidelines may have little persuasive force in light of some of the other § 3553(a) factors:

7 Although “judges must still consider the sentencing range contained in the Guidelines,
 8 . . . that range is now nothing more than a suggestion that may or may not be
 9 persuasive . . . when weighed against the numerous other considerations listed
 in [§3553(a)].” *Id.* at 787 (Stevens, J., dissenting). Indeed, as one district judge
 has already observed,

10 the remedial majority in Booker direct[s] courts to consider all
 11 ofthe § 3553(a) factors, many of which the guidelines either
 12 reject or ignore. For example, under § 3553(a)(1) a sentencing
 13 court must consider the “history and characteristics of the
 14 defendant.” But underthe guidelines, courts are generally
 15 forbidden to consider the defendant's age, his education and
 16 vocational skills, his mental and emotional condition, his
 17 physical condition including drug or alcoholdependence, his
 employment record, his family ties and responsibilities, his
 socio-economic status, his civic and military contributions, and
 his lack of guidance as a youth. The guidelines' prohibition of
 considering these factors cannot be squared with the §3553(a)(1)
 requirement that the court evaluate the “history and
 characteristics” of the defendant.

18 United States v. Ranum, 353 F. Supp. 2d 984, 986 (E.D.Wis.2005) (citations
 19 omitted). Thus, mitigating circumstances and substantive policy arguments that
 20 wereformerly irrelevant in all but the most unusual cases are now potentially
 21 relevant inevery case.

1 The factors of Mr. Pavlovskiy's horrific formative years and his health and finances
 2 are all part of the history and characteristics of this defendant that must be considered. These
 3 are, of course, to be balanced against the circumstances of the offense. Again, Mr. Pavlovskiy
 4 recognizes that the circumstances of his case work against him. There are literally thousands
 5 of images of child pornography, some that are especially offensive. He recognizes, as well,
 6 "the intrinsic harm done to children" in the production of child pornography and that the
 7 "subsequent circulation of the images perpetrates the injury to the depicted child." United
 8 States v. Williams, 444 F.3d 1286, 1291 (11th Cir. 2006). Nonetheless, the circumstances of
 9 Mr. Pavlovskiy's childhood trauma and the failure of his attempts to treat his low
 10 testosterone diagnosis call for careful practical consideration and should carry weight.

11 Courts have not excluded child pornography cases from the command of §3553 that
 12 sentences should not be longer than necessary to achieve the goals of sentencing.¹¹ In United
 13 States v. Gray, 453 F.3d 1323 (11th Cir. 2006) the defendant had been convicted of downloading
 14 child pornography, something he had done for five years. The defendant was sixty-four years
 15 old, "had a history of health problems," and "had never molested a child." 453 F.3d at 1324.
 16 The court approved a sentence of seventy-two months, "less than half the one hundred fifty-
 17 one months that [d]efined the bottom of the guidelines range." 453 F.3d at 1325. In United
 18 States v. Halsema, 180 Fed.Appx, 103,104-105 (11th Cir. May 9, 2006), the mitigating
 19 circumstances were seemingly far less compelling than those in Mr. Pavlovskiy's case, but
 20 were sufficient to justify a sentence of twenty-four months rather than the fifty-seven to
 21 seventy-one months recommended by the Guidelines. In United States v. Wachowiak, 412
 F. Supp. 2d 958 (E.D. Wisc. February 3, 2006), a twenty-four year old music student
 convicted of child pornography charges received a seventy month sentence rather than the
 121 to 151 months recommended by the Sentencing Guidelines based largely on his
 expression of remorse, an otherwise praiseworthy life, strength of character, and the broad
 support of family and friends.

The harder issues may be whether a sentence without incarceration serves the more

1 general concern of deterrence and fulfills the “need for the sentence imposed to reflect the
 2 seriousness of the offense, to promote respect for the law, and to provide just punishment for
 3 the offense.” To consider an individual’s contribution to creating jobs, and his law-abiding life
 4 cannot be said to undermine the need for deterrence, nor does it fail to reflect the
 5 seriousness of the offense. Similarly, to base a sentence on the practical considerations of
 6 Mr. Pavlovskiy’s real-world works and contributions neither undermines the need for
 7 deterrence nor fails to reflect the seriousness of the offense. Indeed, sentencing someone such
 8 as Mr. Pavlovskiy to a long prison sentence may even undermine respect for the law.

9 Conclusion and Prayer.

10 Thus, the circumstances presented in Mr. Pavlovskiy’s case justify a departure from the
 11 Sentencing Guidelines. More importantly, now that the decision in United States v. Booker,
 12 543 U.S. 220 (2005) has made the Guidelines advisory and the parsimony clause of 18
 13 U.S.C. § 3553(a) the paramount consideration, the history of Mr. Pavlovskiy show that a
 14 period of supervision that includes home detention is “sufficient but not greater than
 15 necessary to comply with” the goals of sentencing. Mr. Pavlovskiy, therefore, requests this
 16 Court to impose just such a sentence.

17 Presented by:

18 _____
 19 /s/Gloria Backus
 20 Gloria Backus, WSBA 24279
 21 Vindicate Law Group
 Attorneys for Defendant
 1201 Pacific Avenue
 Tacoma, WA 98402
 Ph: 253-441-8137 / Fax: 253-512-1957

 January 27, 2022
 Date

The following are attached as Exhibits to this Document.

Exhibit	Description
A	2019 article that shines a disturbing light on practices and management of Ukraine group homes
B	CPS Documents
C	CPS Appeal
D	Bankruptcy
E	Financials
F	Valley Medical Center Summary
G	Psychosexual Evaluation
H	Curriculum Vitae – Dr. Loreli Thompson
I	Medical Record – Bureau of Prisons
J	Order Modifying Appearance Bond
K	Letter/Statements Supporting Defendant